E-filed 7/12/07 1 J. Michael Fitzsimmons, Esq. SBN 132343 Kelly M. Laughrin, Esq. SBN 204246 CAMPBELL, WARBURTON, FITZSIMMONS. SMITH, MENDELL & PASTORE 3 64 W. Santa Clara Street San Jose, CA 95113 4 408/295-7701 408/295-1423 fax 5 Attorneys for Plaintiffs. KARLONG CHAN, a minor, by and through his 6 Guardian Ad Litem, YUEN CHONG CHAN; and 7 YUEN CHONG CHAN 8 9 UNITED STATES DISTRICT COURT 10 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE 11 12 KARLONG CHAN, a minor, by and Case No. C07-01837 HRL through his Guardian Ad Litem, YUEN 13 CHONG CHAN; and YUEN CHONG STIPULATION AND AMENDED CHAN, aka EVA CHAN, 14 ORDER CONTINUING THE MOTION Plaintiffs, TO DISMISS COMPLAINT FOR 15 DAMAGES AND MOTION TO STRIKE V. 16 **CUPERTINO UNION SCHOOL** 17 DISTRICT, a California School District; et al., 18 Defendants. 19 20 Plaintiffs, KARLONG CHAN ("KARLONG"), a minor, by and through his Guardian Ad 21 Litem, YUEN CHONG CHAN, and YUEN CHONG CHAN, aka EVA CHAN ("EVA"), and 22 Defendants, CUPERTINO UNION SCHOOL DISTRICT ("CUSD"), RUSS OTTEY 23 ("OTTEY"), SARAH CROWE, ('CROWE"), COUNTY OF SANTA CLARA ("COUNTY"), 24 EMQ CHILDREN AND FAMILY SERVICES ("EMQ"), RODERICK J. MACKENZIE, JR. 25 ("MACKENZIE"), CARLOS AGUILA ("AGUILA") by and through their respective attorneys 26 of record, hereby stipulate that the hearing on Defendants, CUSD, OTTEY, CROWE, COUNTY, 27 EMO, AGUILA and MACKENZIE's Motion to Dismiss Complaint for Damages and Motion to 28 Strike currently set for August 14, 2007 at 10:00 a.m. be continued until August 21, 2007, or as

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| 1 | soon thereafter as available, at 10:00 a.m. in Courtroom 2, 5 th floor of the United States District |
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| 2 | Court, 280 South First Street, San Jose, CA. |
| 3 | Dated: July 10, 2007 CAMPBELL, WARBURTON, FITZSIMMONS, SMITH, MENDELL & PASTORE |
| 4 | By: <u>/s/</u> J. Michael Fitzsimmons |
| 5 | J. Michael Fitzsimmons Kelly M. Laughrin, |
| 6 | Attorneys for Plaintiffs, KARLONG CHAN and EVA CHAN |
| 7 | TO THE OTHER WING EVAL OTHER |
| 8 | Dated: July 10, 2007 NEEDHAM, DAVIS, KEPNER & YOUNG, LLP |
| 9 | By: <u>/s/</u> Mark Davis |
| 10 | Attorney for Defendants, CUPERTINO UNION |
| 11 | SCHOOL DISTRICT, RUSS OTTEY, and SARAH CROWE |
| 12 | |
| 13 | Dated: July 10, 2007 ERICKSEN, ARBUTHNOT, KILDUFF, DAY & LINDSTROM, Inc. |
| 14 | By: /s/ |
| 15 | By: <u>/s/</u> Sharon L. Hightower Attorneys for Defendants |
| 16 | Attorneys for Defendants, COUNTY OF SANTA CLARA, EMQ CHILDREN AND FAMILY SERVICES, RODERICK J. MACKENZIE, JR., |
| 17 | and CARLOS AGUILA |
| | AMENDED ORDER |
| 18 19 | Pursuant to stipulation of the parties, IT IS ORDERED that the hearing on Defendants', |
| 20 | CUSD, OTTEY, CROWE, COUNTY, EMQ, AGUILA and MACKENZIE's, Motions to |
| 21 | Dismiss Complaint for Damages and Motions to Strike, currently set for August 14, 2007 at |
| 22 | 10:00 a.m., is continued until August 21, 2007 at 10:00 a.m. in Courtroom 2, 5th floor of the |
| 23 | United States District Court, San Jose, CA. The briefing schedule is unchanged. |
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| 25 | Dated: 7/12/07 By: |
| 26 | HON. HOWARD R. LILOYD MAGISTRATE JUDGE |
| 27 | UNITED STATES DISTRICT COURT |
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| 1 | PURSUANT TO GENERAL ORDER 45, |
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| 2 | I, Kelly M. Laughrin, the ECF User transmitting and filing this Stipulation and |
| 3 | [Proposed] Order Continuing the Motion to Dismiss Complaint for Damages and Motion to |
| 4 | Strike, attest that I have obtained the concurrence of Sharon L. Hightower and Mark Davis on |
| 5 | this filing. I declare under penalty of perjury. |
| 6 | Dated: July 10, 2007 CAMPDELL WADDIDTON EITZSIMMONS |
| 7 | Dated: July 10, 2007 CAMPBELL, WARBURTON, FITZSIMMONS, SMITH, MENDELL & PASTORE |
| 8 | By: <u>/s/</u> |
| 9 | Kelly M. Laughrin, |
| 10 | Attorneys for Plaintiffs, KARLONG CHAN and EVA CHAN |
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